

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L BRATISLAVA 000543

SIPDIS

DEPT FOR EUR/NCE, EUR/SCE, EUR/ACE, AND GTIP
DOJ FOR VIC STONE
BUCHAREST FOR SECI CENTER - GAVIN CORN
CHISINAU FOR LEGAT - HOLLY WEISMAN
USEU FOR MARK RICHARDS

E.O. 12958: DECL: 07/11/2015

TAGS: [PGOV](#) [PREL](#) [KJUS](#) [PHUM](#) [LO](#)

SUBJECT: SLOVAKIA'S BILATERAL WITNESS PROTECTION PROGRAM

Classified By: Scott N. Thayer for reasons of 1.5 (b) and (d)

11. (C) Summary. The Slovak Republic founded its witness protection program in January 1999. One of the unique facets of the program is its success in arranging bilateral protection agreements with other European nations. Slovakia was the first post-communist nation to both send witnesses abroad and to accept them from other European countries. On June 13 and 14, poloff participated in a two-day briefing on Slovakia's program with the DOJ advisor to the SECI-Center (South-East European Cooperation Initiative) Gavin Corn and Legat to Moldova Holly Weisman. The Director of the Witness Protection Department, Anton Krc, provided information about legislative matters, explained the process of negotiating bilateral protection agreements, and elaborated on several case studies. Participants commented that the Slovak program may serve as a model for other small post-communist countries in South-East Europe. End Summary.

Early Challenges to the Program

12. (C) After the rapid growth of organized crime in 1989, Slovak police realized their system was ineffective at providing protection to witnesses willing to testify against criminals. Several high-level cases, such as the murder of a key witness testifying against the former Director of the Slovak Information Service (SIS) in 1996, inspired the police to seek experience and advice from other nations. A new Slovak law, loosely based on the Italian model, became effective in January 1999 and the witness protection unit received its first (and most difficult witness to date) only days after receiving the initial budget. Anton Krc, the director of the witness protection unit, was largely responsible for the development of the program and provided emboffs and other USG officials with information about its operation.

13. (C) Initially, police confronted several challenges to reforming witness protection. First, when taking into consideration Slovakia's small population and land area, it became apparent most witnesses should be relocated abroad. Therefore, it was necessary to create conditions to protect other nationalities on the basis of reciprocity, as well as Slovaks. Slovakia now hosts witnesses from six other nations, and two-thirds of the Slovak participants in their program are living in foreign countries. Second, trust in police was low due to petty corruption and lack of experience with witnesses in high-level cases. The police suggested forming an independent committee that would diminish possible political interference and accusations of police misuse.

The Commission and Judgments

14. (C) A commission, consisting of five members, supervises the witness protection program for Slovak citizens. The Interior Minister appoints one criminal police officer, one police investigator, a prosecutor, a former judge, an employee of the prison corps, and alternate for each commission member to maintain continuity. The identities of the commission members are not released to the public. The commission reviews petitions for witnesses to be allowed into the program on a permanent basis, as well as requests for short-term emergency protection measures. In some instances, the commission has denied permanent protection and the witness was immediately released from previously granted interim protection measures.

15. (C) The chairman of the committee must convene a meeting to review a request within seven days of receiving a proposal from the police. Another three months is allocated to obtain more information about the case, to evaluate the value of the testimony, or conduct independent hearings. Four of the five commission members must vote in the affirmative for the witness to be taken into protective custody. Decisions are made by secret ballot and the applicant/the witness's proponent only receives the result of the vote with no other justification provided.

16. (C) The police make all decisions regarding foreign nationals who participate in the Slovak system. The police set the conditions for exchange and monitor the individuals accordingly. While witnesses on occasion violate the strict conditions set by police, Krc stated it was difficult to terminate someone's status. In only one instance, the police terminated the program for a former hitman accused of

repeatedly returning to his country of origin to extort money. Police would inform the commission if Slovak citizens violated the conditions of their program, who would then vote for expulsion from the program if warranted.

Becoming a State's Witness

17. (C) After the commission votes to grant protection, the witness protection unit begins to prepare for bringing the person and any dependents into state custody. All participants must agree to several basic principles, such as breaking all prior contacts and avoiding former residences. While in the program the witness must inform police of any new contacts and commit no crimes. One of the most important aspects of the program is that witnesses must agree to become self-sufficient overtime. Even though the average Slovak salary is approximately 12,000 SKK (387 USD) per month, the police must provide a salary commensurate with the witness's previous profession, which could be triple the average. These expenses in the beginning are compounded when a Slovak witness is relocated to a Western European nation. All participants are gradually weaned from the budget. The current budget for the program is approximately 20 million SKK (645,160 USD).

First/Second Unit: Handlers

18. (C) The group responsible for day-to-day management of witness protection is comprised of 34 officers in four sub-divisions; the first and second units are handlers. These agents evaluate whether a person is eligible for relocation abroad. Before relocation from safehouses, the handler assists with all the necessary arrangements to assure that the witnesses will eventually become independent. The police officers help develop the language, job, and education skills that the witness will need. To add an additional layer of security, the unit usually does not know where the witnesses will be located abroad. Police in the new country of residence facilitate continued communication, and witnesses can be issued cell phones used only to contact the handlers. The unit continues to provide services, such as assisting the witness in returning to Slovakia to attend to financial matters, and helps organize visits with family members once a year, usually in third countries to ensure that the new residence is not compromised. After the individual is no longer receiving monetary assistance from the state, these visits tend to taper off.

Third Unit: An Additional Identity

19. (C) For Slovak witnesses sent abroad, the third police unit creates an additional identity to be used abroad. The original identity is not wiped out completely in order for the subject to collect legal inheritance and to use the original identity for return trips to Slovakia. The police are also responsible for creating a workable cover story and backstopping all other legal records. The Slovaks not relocated abroad also receive additional identities and can also be placed in jails. The unit reported that individuals are more at-risk to leave the program if placed in jails. Since there is such a small number of participants in the program, the witnesses are usually confined alone and perceive the protection program as punishment.

Fourth Unit: Protection Technology

110. (C) During the trial, the unit also arranges short-term protection for witnesses. Video-conferencing technology is available upon the decision of the judge. The unit director expressed dismay that this technology is not used more often because judges and lawyers are reluctant to agree to these measures. He speculated on the reasons: they might be apprehensive about new technology, corruption could be a factor, or the defense could successfully cast doubt on the validity of the video testimony. In most trials, the judge is physically located in the same room as the witness, therefore the victim usually returns to Slovakia. The witness can testify from an embassy abroad, but that is very rare. This technology was most recently used to provide testimony for a German case that involved a Nazi war criminal who committed crimes in Slovakia. The fourth unit also can employ the use of SWAT teams, police traffic patrols, or police dogs to protect a returning witness.

Comment

11. (C) The Slovak witness protection program is still relatively young and has not confronted certain hurdles. However, the country is a good model for countries where corruption is a perceived problem, and for countries with a small population. In only a few years, the Slovaks have worked with over 70 individuals to provide protection. In a few cases, individuals violated the rules of the program, and some have voluntarily left, but overall the program has been quite successful.

THAYER

NNNN